

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PORFIRIO CONDE CHEESMAN,

Plaintiff,

v.

SWISSPORT USA INC, et al.,

Defendants.

CASE NO. C20-1604 MJP

ORDER GRANTING MOTION TO
DISMISS

This matter comes before the Court on Defendant Swissport USA, Inc's Motion to Dismiss (Dkt. No. 9) and Motion to Consolidate (Dkt. No. 11.) Having reviewed both Motions, Plaintiff's limited "Objections" (Dkt. No. 10), the Reply to the Motion to Dismiss (Dkt. No. 13), and all related matters, the Court GRANTS Defendant's Motion to Dismiss and DENIES the Motion to Consolidate as MOOT.

Proceedings in this Court are governed by this District's Local Rules. See Local Rules W.D. Wash (available at <https://www.wawd.uscourts.gov/local-rules-and-orders>). Local Rule 7(b) describes the requirements for parties to a case when a motion is filed. And Local Rule

1 7(b)(2) explains that a party opposing a motion must file a brief in opposition to the motion, and
2 that the failure to file papers in opposition to the motion “may be considered the by the court as
3 an admission that the motion has merit.” LCR 7(b)(2).

4 Plaintiff has not filed any opposition to Defendant Swissport’s Motion to Dismiss.
5 Pursuant to Local Rule 7(b)(2), the Court considers Plaintiff’s failure to oppose Swissport’s
6 motion as an admission that the motion has merit, and therefore GRANTS the motion to dismiss
7 and DISMISSES all claims alleged in this case as to all Defendants without prejudice. There
8 being no remaining matters in this case, the Court DENIES the motion to consolidate as MOOT.

9 The Court notes that Plaintiff’s “objections” attack the propriety of removal. (Dkt. No.
10 10.) But the Court finds no merit in Plaintiff’s unsupported arguments that removal was
11 improper. Plaintiff’s Complaint alleges claims arising under the laws of the United States (the
12 Fourth and Fourteenth Amendment) which were properly removed to this Court. See 28 U.S.C.
13 §§ 1331, 1367, 1441(a). The Court therefore denies the request to remand insofar as such a
14 request is set forth in the objections.

15 The clerk is ordered to provide copies of this order to Plaintiff and all counsel.

16 Dated December 23, 2020.

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18 Marsha J. Pechman
19 United States District Judge
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